

## REMARKS

Claims 1-5 have been rejected under 35 USC 103(a) as unpatentable over Cornic (U.S. Patent No. 5,598,163). The rejection is respectfully traversed.

Cornic fails to disclose successively activating and deactivating at least three transmitting and receiving devices such that at least two adjacent transmitting and receiving devices are operated simultaneously, as required by claim 1. Rather, Cornic teaches the use of several transmitting and receiving devices. The discussion of simultaneous operation of adjacent transmitting and receiving devices, however, is not disclosed or suggested in Cornic. In this regard, the Examiner relies on col. 6, lines 12-20 as disclosing "the use of adjacent transmitting and receiving devices simultaneously." That portion of Cornic discloses employment of a technique of the monopulse type, which carries out comparison of the energy received on two adjacent beams. Additionally, angular oversampling is provided followed either by a calculation of true center or by a search for the maximum of the signals received in the various angular directions. However, a further review of Cornic reveals that the sequencing controller 17 is not used for simultaneous operation of adjacent transmitting and receiving devices (see, for example, col. 6, lines 49-54). Rather, referring to Figure 4, the sequencing controller 17 controls only a single-pole switch 18. In this arrangement, simultaneous operation of adjacent transmitting and receiving devices does not occur. Hence, Cornic fails to disclose the claim invention (claim 1).

Additionally, the Examiner states that Cornic does not disclose at least three transmitting and receiving devices, but rather discloses at least three transmitting and receiving antenna channels. In this regard, the Examiner states it would have been obvious to modify Cornic by replacing the antenna with a transmitter and receiver, as the two are obvious equivalents. However, the Examiner may not make conclusory statements of obviousness without evidentiary support on the record. To this extent, Applicants' request that the Examiner cite a reference in support of his/her assertions, or withdraw the rejection of record.

Since the recited method is not disclosed by the applied reference, claim 1 is patentable. Claims 2-5, depending from claim 1, are similarly patentable. All claims now in condition for allowance, an indication of the same is solicited.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant(s) petition(s) for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 449122006000.

Respectfully submitted,

Dated: February 28, 2003

By:

  
Kevin R. Spivak  
Registration No. 43,148

Morrison & Foerster LLP  
1650 Tysons Boulevard  
Suite 300  
McLean, Virginia 22102  
Telephone: (703) 760-7762  
Facsimile: (703) 760-7777